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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91225056
Party	Defendant Instructure, Inc.
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Date	02/05/2016
Attachments	Instructure, Inc. - Answer To Notice Of Opposition.pdf(18384 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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CANVAS X SOFTWARE, INC.,)	
)	
Opposer)	Opposition No. 91225056
)	
v.)	In the Matter of Application
)	Serial No.85/632,326 for CANVAS
INSTRUCTURE, INC.)	Published in the <i>Official Gazette</i> 6/02/2015
)	
Applicant.)	
)	
)	
)	
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)	

Applicant Instructure, Inc.’s Answer to Notice of Opposition

Instructure, Inc. (“Instructure”) hereby answers the Notice of Opposition of Canvas X Software, Inc. (“CXS”) as follows:

1. Answering paragraph 1 of the Notice of Opposition, Instructure lacks knowledge or information sufficient to form a belief as to the truth of all other implications or allegations contained in paragraph 1, and, on that basis, denies the allegations therein.

2. Answering paragraph 2 of the Notice of Opposition, Instructure lacks knowledge or information sufficient to form a belief as to the truth of all other implications or allegations contained in paragraph 2, and, on that basis, denies the allegations therein.

3. Answering paragraph 3 of the Notice of Opposition, Instructure admits that, as of the filing date of this Answer, the records of the U.S. Patent and Trademark Office reflect that CXS is the owner of US Reg. No. 3,167,343. Except as expressly admitted, Instructure denies the allegations of paragraph 3.

4. Answering paragraph 4 of the Notice of Opposition, Instructure lacks knowledge or information sufficient to form a belief as to the truth of all other implications or allegations contained in paragraph 4, and, on that basis, denies the allegations therein.

5. Answering paragraph 5 of the Notice of Opposition, Instructure lacks knowledge or information sufficient to form a belief as to the truth of all other implications or allegations contained in paragraph 5, and, on that basis, denies the allegations therein.

6. Answering paragraph 6 of the Notice of Opposition, Instructure admits that, as of the filing date of this Answer, the records of the U.S. Patent and Trademark Office reflect that CXS filed Application Serial No. 85/632,326 on June 2, 2015 for the services set forth therein.

7. Answering paragraph 7 of the Notice of Opposition, Instructure admits the allegations therein.

8. Instructure denies the allegations of Paragraph 8.

9. Answering paragraph 9 of the Notice of Opposition, Instructure admits the allegations therein.

AFFIRMATIVE DEFENSES

1. Opposer fails to state a claim on which relief can be granted.

2. Instructure presently has insufficient knowledge or information upon which to form a belief as to whether it has additional, but as-yet-unstated, affirmative defenses available. Accordingly, Instructure hereby reserves the right to assert additional affirmative defenses in the event it determines that such defenses are appropriate.

COOLEY LLP

Date: February 5, 2016

By: /s/ Thomas M. Hadid

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CERTIFICATE OF TRANSMITTAL AND SERVICE

I hereby certify that this **Instructure Inc.'s Answer to Notice of Opposition** is being electronically transmitted in PDF format to the Trademark Trial and Appeal Board through the Electronic System for Trademark Trials and Appeals (ESTTA) on the date indicated below.

I hereby further certify that on the date indicated below, a true and correct copy of this **Instructure Inc.'s Answer to Notice of Opposition** was placed in the United States Mail via First Class Mail, addressed to counsel for petitioner as follows:

Joshua G. Gigger
Catherine P. Lake
Naziol S. Nazarinia Scott
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Date: February 5, 2016

/s/ Thomas M. Hadid
Thomas M. Hadid

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